

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18514 of 2004

Between:

Kuntamukkala Padmavathi, W/o. Late Butchiraju,
Gontuvanipalem Village, Addateegala Mandal,
East Godavari District.

..... PETITIONER

AND

- 1 The Additional Agent to Government and The Project Officer,
I.T.D.A., Rampachodavaram, East Godavari District.
- 2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,
East Godavari District.
- 3 The Mandal Revenue Officer, Addateegala Mandal,
East Godavari District.
- 4 Burakoti Koneru, S/o. Chinnayya,
Gontuvanipalem Village, Addateegala Mandal,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent in LTRP No.7 of 2003 dated 22-6-2004 as highly illegal, arbitrary, unjust, improper and consequently set a side the same.

Counsel for the Petitioner : Mr.BADANA.BHASKARA RAO

Counsel for Respondents 1 to 3: G.P. FOR SOCIAL WELFARE

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents and both of them agreed for disposal of the writ petition finally at the admission stage.

Against the Ejectment order passed by the second respondent in L.T.R.P.No.7 of 2003 dated 22.6.2004, the petitioner filed C.M.A. before the first respondent on 20.9.2004 along with application for stay of the ejectment order. It is stated that the said appeal was entertained, but so far no order has been passed on the stay application and on the other hand respondents are trying to dispossess the petitioner. Hence, the present writ petition.

Having regard to the fact that right of appeal is a statutory right and the appellate authority has to safeguard the interest of the parties during the pendency of the appeal, otherwise the very appeal remedy will be ineffective.

In the circumstances, the first respondent is directed to dispose of the appeal as expeditiously as possible. Till the appeal is disposed of, the petitioner shall not be dispossessed from the land in question.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

A.GOPAL REDDY, J

Date: 11.10.2004

DA

To

- 1 The Additional Agent to Government and the Project Officer,
I.T.D.A., Rampachodavaram, East Godavari District.
- 2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,
East Godavari District.
- 3 The Mandal Revenue Officer, Addateegala Mandal,
East Godavari District.
- 4 Two CCs to the G.P. for Social Welfare, High Court Buildings,
Hyderabad (OUT).
- 5 Two CD copies.